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COMMITTEE ON THE RIGHTS OF THE CHILD

Eighteenth session

SUMMARY RECORD OF THE 470th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 2 June 1998, at 3 p.m.

Chairperson: Miss MASON

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GE.98-16380 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Luxembourg (continued) (CRC/C/41/Add.2; HRI/CORE/1/Add.10; CRC/C/Q/LUX/1)

1. At the invitation of the Chairperson, the members of the delegation of Luxembourg resumed their places at the Committee table.

2. Ms. ANDRICH-DUVAL (Luxembourg), replying to the question about the philosophy underpinning the Convention on the Rights of the Child, explained that, as parents had prime responsibility for children's education and the family was regarded as the fundamental unit of society in Luxembourg, the State's role was subsidiary and complementary to that of parents. Turning to social protection measures, she said that Luxembourg had a well-coordinated, dense network of social services offering counselling and assistance to families with children. Additional steps were, however, required to promote a change in thinking conducive to the realization of the innovative principle of active participation by children in decisions concerning their health, education and family life.

3. Mr. BEWER (Luxembourg) stated that the age of full criminal responsibility was 18 and that in Luxembourg no one under the age of 16 could be held responsible for a criminal offence. A young offender aged between 16 and 18 would be brought before a juvenile court. If, however, the judge thought that the measures available to him would be ineffectual, he could send the case file to the Public Prosecutor's Office, but if that happened, any extenuating circumstances would be taken into account and a lighter sentence passed. With regard to the possibility of a minor turning to the courts for assistance, article 9 of the Protection of Young People Act stipulated that a court should hear a young person when it was in his best interests. Similarly, article 388-1 of the Civil Code made provision for a child to be heard by a judge in chambers if necessary. A review of that article the previous year had led to the introduction of detailed rules governing the participation of children in judicial proceedings.

4. Reiterating the information on medical counselling contained in the report, he added that under article 7 of the Protection of Young People Act, if a young person's life was in danger, a doctor could give the requisite medical treatment, even if the parents withheld their consent, provided he had obtained the minor's approval and the latter could understand what was at stake. In that event, the doctor was legally bound to submit a report to the Public Prosecutor's Office within three days.

5. As far as the query regarding youth labour was concerned, he again outlined the position as described in paragraph 94 (c) of the report and stated that youngsters must also be allowed an adequate rest period.

6. He considered it regrettable that the words "illegitimate" or "natural" children were still employed in his country's legislation, but was at a loss to suggest another term. A mother always had parental authority over children

born out of wedlock whom she had recognized, unless both parents applied to the guardianship judge for joint authority. In all other respects, children born out of wedlock had the same rights as legitimate children.

7. He agreed that the different minimum ages for marriage (18 for boys, 16 for girls) constituted discrimination probably stemming from an out-of-date view of family responsibilities. The law should therefore be revised. As it stood, if a young woman of 16 wished to marry, she required her parents' consent or, failing that, special dispensation from the Grand Duke or Public Prosecutor.

8. Mr. RABAH suggested that the fact that a child had been born out of wedlock should be entered only in general records, and that no mention should be made of it on identity papers, in order to prevent the child from being stigmatized.

9. Mrs. PALME welcomed the information that the law on marriage was to be amended, because a girl's health and education could be jeopardized by starting a family at the age of 16. She endorsed the suggestion made by Mr. Rabah and expressed strong aversion to the terms "legitimate" and "illegitimate". Were single parents not covered by the definition of the word "family"?

10. Mrs. OUEDRAOGO asked the delegation to comment on the lack of any express prohibition of discrimination on grounds of sex in the Luxembourg Constitution. What legal protection was given to children born out of wedlock? What was the exact status of natural children? What were the social implications and psychological and emotional consequences of the marginalization of children born out of wedlock, who accounted for 12.9 per cent of births? Generally speaking, were children's views taken into consideration within families? Were parents advised that they should allow children some say in decisions concerning them? Could pupils participate in the setting of standards and rules in schools? Given that Luxembourg's legislation denied children born of an anonymous mother the rights set forth in article 7, paragraph 1, of the Convention, how could a child discover who his or her parents were? Lastly, she wished to know whether corporal punishment was inflicted in Luxembourg.

11. Mrs. SARDENBERG requested clarification regarding the legal protection given to disabled children and the support available to their parents.

12. Mr. DUHR (Luxembourg) said he first wished to clear up a misunderstanding; the term "illegitimate" was not included in any identity papers which a child would require in everyday life or for administrative purposes. The only place it could be found was in one article of the Civil Code. The delegation would suggest that the Government take steps to expunge the word.

13. Due note had been taken of the Committee's views on the minimum age of marriage. He admitted that, although discrimination on grounds of sex was banned by the Constitution, it existed in practice. An injured party could,

however, initiate legal proceedings to seek a remedy. All children, irrespective of their family situation, had exactly the same rights. Corporal punishment was absolutely forbidden in schools.

14. He emphasized that in Luxembourg the State kept interference in private life to a minimum. Family counselling centres did exist for parents who wished to avail themselves of their services but, in principle, it was the responsibility of parents to bring up their children in conformity with their legal obligations.

15. Mr. MAJERUS (Luxembourg) added that it was the Government's duty to publish leaflets for young parents so as to instil notions such as non-authoritarian child-rearing and the rights of the child. At school, sex education was extremely liberal and stressed the equality of women in partnerships of any kind and in society as a whole. He agreed with the Committee that young people required some guidance in those matters, inter alia, in order to prevent the spread of AIDS. NGOs likewise played a vital role in that field by organizing a wide range of courses which adopted a more candid approach to issues than State schools. Children were consulted by parents and institutions about decisions concerning their education and life in a family or group.

16. A more problematic issue was anonymous childbirth, which implied the State's denial of the child's origins. While legislation on that question could be called into question, its purpose was to protect future mothers in distress and encourage them to bear their children. That attitude, however, also conflicted with the rights of the child. At the same time, there were those who considered that to abandon the principle of anonymous childbirth would increase recourse to abortion. The National Committee on Life Sciences and Health Ethics would shortly be delivering its opinion to the Government, which was waiting to receive it in order to reach a decision on the matter. In his view, it was better for the Government to express its reservations than to implement the Convention only partially. While the reservations were intended to afford greater transparency and eradicate cheating, they were not cast in stone, and outmoded legislation should be adapted to new realities, as with the law on anonymity of sperm donors. The Chamber of Deputies would eventually legislate in a manner that definitively laid public debate on the matter to rest.

17. While it was true that torture had not been defined, what had been defined - perhaps excessively - was prohibited forms of behaviour and all the forbidden reactions, including corporal punishment, when children were in conflict with the law.

18. A broad range of measures were in force for disabled children and their parents, the most important being early diagnosis and promotion of services to encourage families to seek it and take appropriate action to ensure educational rehabilitation. The Ministry of Health had developed a vast range of optional tests - including screening during pregnancy - which parents were motivated to accept, since they were linked to child allowances. Those allowances were doubled for children with disabilities, there was a special allowance for severely disabled persons, and there was no restriction on the guaranteed minimum income for disabled persons unable to work, thus

helping to reintegrate them into the market. A special law passed in 1978 made education compulsory for children with disabilities, as it was for the able-bodied, and a broad network of specialized institutions had been developed. However, one current school of thought considered that excessive special education for disabled children could result in segregation of a sort, and that more should be done to integrate them - or at least the specialized institutions - into mainstream educational structures.

19. Mr. BIEVER (Luxembourg) pointed out that applications for special protection measures for disabled children could be made before they reached their majority. The measures were of three kinds - judicial supervision, curatorship and guardianship - and needed to be justified by a psychiatrist's report.

20. Replying to a question concerning corporal punishment of children, he explained that the 1939 Protection of Children Act had been repealed. While ill-treatment of minors had not been eradicated, it was palliated by laws which allowed prosecution of witnesses who failed to report abuses to the specialized services or competent authorities, in addition to prosecution of the perpetrators of such acts under article 410 of the Penal Code. Persons who refused to assist a victim of ill-treatment could also be prosecuted and were liable to a prison sentence or heavy fine. The Penal Code also covered prosecution for assault. If the offence was perpetrated by a parent or person in a position of authority, depending on the seriousness of the offence, the penalty would be doubled.

21. The CHAIRPERSON, thanking the representatives of Luxembourg for their explanations, invited the members of the Committee to make further comments and to put their questions concerning family environment and alternative care.

22. Mrs. MBOI reiterated the importance of integrating disabled children into mainstream education in order to afford the child every opportunity to develop his or her full potential, and to foster social integration and acceptance by his or her peers. It was vital that children should enjoy their rights.

23. She regretted that Luxembourg's initial report touched only on the protection of children up to the age of 14, and sought additional information concerning the protection of children between 14 and 18 against not only abuse in schools and institutions, but sexual and other abuse by family members. As adolescents were prone to behavioural problems, they were at greater risk of such abuse.

24. Mr. KOLOSOV, returning to the issue of remedies for violations of children's rights, said he understood that, as in many countries, the courts dealt mostly with economic and property rights and less with individual freedoms and other social rights. The delegation had pointed out that there was always the possibility of appeal to the courts. However, since such recourse was infrequent, it was important for other preventive and remedial measures to be put in place. He wished to know whether the courts indeed dealt with individual rights.

25. In the context of family environment and alternative care, the report mentioned the existence of State Socio-Educational Centres (CSEEs) with a dual purpose: caring for young offenders and for children in need of assistance. In his view, the rather punitive regime of such centres could not adequately cater to the needs of both types of child.

26. He inquired what social measures, besides appropriate legislation, were being implemented to reduce Luxembourg's alarmingly high child criminality rate attributable to, inter alia, the country's zealous statistics-gathering and the permeability of its borders.

27. Mrs. MOKHUANE, referring to the subject of family environment, observed that the protection measures in place were not being implemented, especially with regard to children in foster care. She welcomed the improvement in institutional services, but wondered whether there was a surveillance system whereby children in foster homes were visited by social workers, who would report abuse, and whether any preventive measures were in place. She also wished to know the criteria for assessing foster-parent suitability and whether any complaints procedures existed for the children themselves.

28. Mrs. PALME, agreeing with Mr. Kolosov about the inordinately high rate of young offenders requiring placement in foster homes, wondered whether it was due to an excessively broad definition of criminal behaviour. She understood that the country had instituted a system of social support. While applauding the projected development of the family-first approach in 1999 and mediation and assistance already available to families in psycho-social distress, she was unclear about the extent to which the child's views were heeded in the mediation process. She would also like to know when Luxembourg would fulfil its declared intention to ratify the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

29. Mrs. SARDENBERG, returning to the question of disability, asked whether the country had evaluated the 1994 Integration of Education Act. While welcoming the imminent promulgation of the Disabled Persons Bill and the establishment of an inter-ministerial coordination committee to implement that legislation, she wondered whether it included children. She asked whether those initiatives had been evaluated and whether a more comprehensive policy for the disabled was being prepared.

30. Concerning the judicial treatment of child abuse, the report highlighted the problems of children being questioned several times and obliged to sit with the accused, because of inadequate facilities and services. Since children grew up quickly and could not wait for structures to be put in place, she inquired what was being done to avoid the added victimization of abused children.

31. With regard to institutions, she regretted the trend revealed by the fact that as much as 1 per cent of problem children - many of them poor or foreign - were placed in foster homes or institutions, when the current tendency was the reverse. She wondered whether, owing to the shortage of staff and adequate services, minors were not sometimes prematurely placed in institutions, a problem also connected with what appeared to be the common practice of transfer of parental authority.

32. Mrs. KARP understood that the draft legislation to redress the situation of children who were not covered by the law on protection of the child had not yet been passed. She wondered what happened to children in the meantime and whether their placements were monitored. Did the policy of parental loss of guardianship when a child was placed outside the home conform to the Convention's provisions concerning child-parent interaction? Was that policy really necessary or was there the possibility of alternative measures that would enable parents to maintain contact and be involved in decisions concerning the child? She also wished to know what policies existed to enable families to keep their children while the treatment was in progress and solutions sought. What consideration had been given, in regular placement policy, to family involvement?

33. Assuming that corporal punishment within the family, as opposed to institutions, was not forbidden by law, she wished to know which, if any, forms of such punishment were considered reasonable rather than abusive, and what was being done to educate families to choose alternative forms of punishment.

34. If 14 was the age limit for child protection and 16 the age of sexual consent, where commercial sexual abuse was concerned there appeared to be a dichotomy in policy formulation, which failed to consider that consent was irrelevant in such abuse, and that the child should be protected up to the age of 18, pursuant to the recommendations of the Stockholm World Congress against Commercial Sexual Exploitation of Children. It would also be useful to know whether thought had been given to punishment of the client who, although not responsible for the prostitution, nonetheless abused the child and was therefore an accessory. Were there any plans to extend the age of protection to 18 and raise the age of protection against non-commercial sexual abuse?

35. She again wondered whether 18 was not too late an age for a child to be entitled to lodge complaints and resort to the courts without parental consent. In the event of conflict between child and parent, was there any system of guardianship for the child by a person independent of the parent's representative?

36. Mr. FULCI noted that both national and international adoptions in the Grand Duchy were regulated by the Civil Code and took two forms: simple adoption, which neither granted the right of affiliation nor entirely cut the links with the family of origin; and full adoption, the most usual kind. It was nevertheless unclear from paragraphs 336-343 of the report whether Luxembourg legislation fully met article 21 of the Convention. Indeed, the report was silent on the State's responsibility for taking legal and other measures to ensure that adoption networks and others involved in intercountry adoption did not do so for financial gain. He wished to know what measures were being taken and what penalties were imposed. He noted that there were 60 international adoptions per year compared to 4 adoptions of Luxembourg children.

37. Mrs. PALME noted that if the juvenile court judge authorized recourse to the ordinary procedures, a young offender aged 16 or over could be tried in the criminal courts, on a psychiatrist's advice. She felt there was a need

for better instruments for dealing with such youths and bringing about their successful rehabilitation. She asked whether during court procedures they were offered assistance automatically or only on request.

38. Ms. OUEDRAOGO welcomed the protection of privacy provided with regard to juvenile court proceedings and hoped that it would be extended to areas such as family, schools and institutions.

39. She inquired whether any study had looked into the increasing demand for placement, which already far exceeded supply. Since, as was her understanding, no institution was legally obliged to accept a child, she would like to know how the best interests of the child were protected in the event that places were unavailable.

40. She noted from the State party's report that its legislation specified neither the body nor the forms of decision concerning child placement effected outside the ambit of the 1992 Act. She would be interested to know how the Government addressed the institutions' lack of monitoring obligations, given that that situation put the children's development, protection and very survival at risk. What measures did the Government intend to take to ensure care of children in those institutions?

41. Mr. DUHR (Luxembourg), responding to the points raised by Mrs. Mboi, said that his Government was committed to the principle of integrating children with disabilities in mainstream schools, and recognized that further effort was needed in that regard.

42. Mr. MAJERUS (Luxembourg) said that the principle must nevertheless be applied carefully and with due regard for children's individual needs. Studies undertaken since the adoption of the 1994 Integration in Education Act had shown that, in some cases, children with disabilities felt isolated in mainstream classes and thus experienced greater stigmatization. There was also a need to train auxiliary staff to assist classroom teachers in ensuring that integration was successful. All public buildings were required by law to be accessible to persons with disabilities, and local authorities were making great efforts to that end. At the national level, his Government had designated the Ministry of the Family as the focal point for initiatives aimed at improving the situation of children with disabilities.

43. Mr. DUHR (Luxembourg), referring to the protection of children from abuse and neglect (CRC/C/41/Add.2, para. 346), said that while article 401 bis of the Penal Code appeared to apply only with respect to offences against persons under the age of 14, in practice all children up to the age of 18 enjoyed the same level of protection. In the case of sexual offences (para. 348), the wording of the Code reflected the sliding scale of penalties applicable to offenders in accordance with the age of the victim, offences against younger children being regarded as the most reprehensible.

44. Turning to the point raised by Mr. Kolosov concerning the protection of civil rights, he said there was no evidence to suggest that those rights were less likely to be invoked before the courts than economic and property rights, although he agreed that preventive measures were the best means of guaranteeing respect for the rights and freedoms of individuals.

45. With regard to corporal punishment, he said that any citizen who feared a child was being subjected to excessive force was obliged to report his suspicions to the authorities, while children who were victims of ill-treatment had access to a special helpline. As a father, he believed it was for parents to determine what constituted reasonable punishment. It was not realistic to expect the law to regulate every aspect of life, particularly family life.

46. Children were entitled, under certain circumstances, to have direct access to the courts, without the need for a parent or guardian to act as intermediary.

47. Mr. BEWER (Luxembourg), replying to the question concerning the prostitution of minors, said that, while sexual relations between a client and a prostitute aged 16 or over did not constitute a criminal offence, procuring was punishable by a prison term of up to five years. Also under the 1992 Protection of Young People Act, parents had the right to alert the authorities if their child was engaged in activities detrimental to his moral or physical development. The child would then receive counselling and re-education.

48. Mr. DUHR (Luxembourg), referring to the right to privacy, said that that issue was problematic, especially within the context of the family. The lack of provisions within existing legislation to ensure respect for that right was clearly not in the best interests of the child.

49. Mr. BEWER (Luxembourg) said that some protection was afforded by the regulations on confidentiality governing the postal service, which stated that all correspondence sent to a child over 12 years of age must be addressed to the child in person. With regard to children living in institutions, his Government was currently drafting a charter which would enshrine their right to privacy, including respect for their diaries and bedrooms.

50. Mr. MAJERUS (Luxembourg) agreed that a reduction in the number of placements in institutions would be desirable, although the current figures were in line with international levels. More than 80 per cent of placement orders were made by juvenile court judges, with parental rights being automatically transferred to the institution caring for the child. That risked alienating parents, whereas it was vital that they enjoyed good working relations with the institution in order to facilitate the prompt return of their child, that being the ultimate goal of every placement. His Government was considering an amendment to the relevant legislation to allow judges to determine whether the transfer of parental rights was in the best interests of the child. It also intended to address the problem of hasty or inappropriate placements, although it recognized that judges, when faced with alarming reports from social services, often felt they had no choice but to make a placement order. Greater coordination between the juvenile courts and the various children's welfare services was needed if alternative solutions were to be found. His Government was looking into the experiences of countries which had adopted a more holistic approach, involving counselling and treatment for parents as well as children. That was particularly important in cases of abuse, when the simple expedient of removing the child, though effective in the short term, was tantamount to punishing the victim rather than the perpetrator. Paradoxical though it might appear, however, temporary

removal of the child was sometimes the best means of preventing family breakdown since it spurred parents, especially among the middle classes, to examine their difficulties with open eyes. Nevertheless, the overall trend was towards fewer and shorter placements.

51. Mr. BEWER (Luxembourg) said that the process of placing a child could take as long as six months, during which time the child was subject to a temporary placement order. Given that such uncertainty was detrimental to young people, judges were being encouraged to refer youngsters who had committed offences to the Mediation Centre established by his Government in January 1998. The task of the Centre was to make the youngsters aware of their responsibilities towards both the victims of their crimes and society as a whole, with a view to avoiding the need for an institutional placement. Mediation took place only with the consent of all parties involved.

52. Mr. MAJERUS (Luxembourg) added that there were a number of mechanisms for monitoring institutions. Private reception centres did not receive governmental subsidies until they had established a joint management committee, which included a representative of the Ministry of the Family among its members. All complaints by children, parents or staff members were dealt with by the committee, while reports of ill-treatment were automatically referred to a juvenile court judge following a thorough investigation by the Ministry.

53. The large number of children of foreign origin subject to placement orders was attributable to the fact that many were adopted, which created particular tensions within their families. A visit to the child's country of origin was often helpful in such cases. There did not appear to be any link between the level of family income and the likelihood of placement in an institution. The vast majority of children were placed because of psychiatric disorders which had gone undetected by the medical and social services. Staff in institutions therefore required highly specialized training.

54. With regard to the State socio-educational centres, it was difficult, and not always helpful, to distinguish between children who had been victims of abuse and those who had committed crimes, since offending by youngsters was often a response to a history of abuse. The staff attempted instead to create treatment and care regimes appropriate to the needs of individual children. The State centres differed from their private sector equivalents in that they were legally obliged to accept every child recommended for placement.

55. Foster parents received support from specialized services run by NGOs with government funding. Foster care, however, was not an adequate substitute for institutional placement in every case since the problems of children removed from their families sometimes exceeded foster parents' capacities and experience.

56. Replying to the questions by Mr. Fulci, he said that in Luxembourg, as in many other countries, there had been cases of adoptions resulting in improper financial gain for the parties involved. Legislation had therefore been enacted to regulate adoptions and, in particular, to establish criteria for the licensing of adoption agencies. The Ministry of the Family had set up

an independent service to monitor the application of those criteria. As to intercountry adoption, ratification of the 1993 Hague Convention was a priority for his Government.

57. The practice of seeking psychological appraisals of young offenders was widespread in the juvenile justice system. In addition, all children detained in private reception centres had access to psycho-social counselling, while social services often turned for assistance to the innovative child psychiatric unit established within Luxembourg's largest hospital.

58. Two helplines had been set up to assist children in crisis. The first provided a listening and advice service for youngsters with emotional problems. Callers were under no obligation to give their names. The second enabled members of the public to alert the authorities to cases of ill-treatment, although anonymous allegations were not investigated. While neither service was available around the clock, every effort was made to ensure that the helplines were staffed at times of peak demand, for example when children arrived home from school.

59. Ms. ANDRICH-DUVAL (Luxembourg) said that the Act of 31 January 1998 set out the regulations concerning national and international adoptions with which the adoption services and other organizations must comply. It established penalties in case of non-compliance, ranging from fines to the withdrawal of authorization to operate services and prison sentences.

60. Not many Luxembourg children were adopted, partly because of the low birth rate, but also because in such a small country there was little likelihood of the child being able to start a new life without emotional interference from his original family, leading to a complicated situation for all concerned. There were thus far more international adoptions.

61. The three organizations concerned with fostering recruited foster parents through questionnaires, home visits and team interviews, and also monitored the placement. The child could contact psychologists and other professionals from the fostering services in order to make plans, file complaints or simply talk about his situation. In 1997, an organization had been set up to provide foster parents with personal counselling independently of the fostering services. Foster parents and children could also ask for interviews together. If a placement broke down, the individual caseworker from the fostering services was responsible for implementing all the practical and legal measures designed to protect the child's interests.

62. He agreed that the conditions for interviewing presumed child victims of sexual abuse had hitherto been far from satisfactory. However, in 1997 the juvenile courts, together with the Ministry of Justice, the police authorities and NGOs, had introduced an initiative that would enable such interviews to be videotaped and used in court as evidence, so that the child would not have to repeat his ordeal in court. The procedure, which to a certain extent reflected the Canadian experience, was still undergoing trial. Contacts were being maintained with other countries, notably Belgium, with a view to assimilating their experience.

63. The CHAIRPERSON said that the Committee would like to hear the delegation's replies to its questions concerning action being taken to reduce the reported high incidence of child maltreatment in the home, and to educate families about alternative forms of discipline to corporal punishment.

64. Mr. MAJERUS (Luxembourg) said that since the late 1980s several publicity campaigns to raise public awareness of corporal punishment had been organized, without much response. The main forum for information and exchange of experience on corporal punishment was provided by the parent-pupil associations that existed in almost every commune to represent the interests of the family and the child in matters relating to school organization. Their meetings provided an opportunity for speakers to emphasize that all forms of punishment were unacceptable and the expression of an authoritarian system. In related activities, parents were invited to exchange experience with others, the limits of inadmissibility were explored, and the likely pedagogical consequences of corporal punishment in the family were explained. Parents and children were taught how to avoid the kinds of behaviour that led to the infliction of corporal punishment.

65. Mr. FULCI said that, according to the report, 765 children and adolescents were being accommodated full-time away from their homes in various institutions or in foster families. That was a very high number for such a small country. What were the reasons?

66. The CHAIRPERSON asked if members wished to make any comments concerning the replies which had just been given, and invited them to put questions relating to basic health and welfare and on education, leisure and cultural activities.

67. Mrs. KARP, referring to her previous question about court practices that disregarded the status of the child as an independent person and the need to educate judges in procedures that enabled the child to be a party to his own affairs in court, asked for clarification regarding article 388-1 of the Civil Code, quoted in the report as having been introduced in order to guarantee application of article 12 of the Convention, (para. 107). The article seemed to reflect a certain ambivalence with regard to the status of the child in juvenile court hearings.

68. Concerning corporal punishment, she said that if it was as prevalent as the delegation's replies seemed to indicate, there was a need for concrete measures designed to bring about a real change of attitude among the public.

69. She had two questions concerning education. First, were any statistics available on school drop-out rates, particularly in connection with the fact that a significant number of children from Luxembourg studied in other countries? She would also like to know if any children were dropping out because of stress arising from the requirements of a multilingual education system.

70. Mrs. SARDENBERG welcomed the delegation's acknowledgement that problems existed in the judicial treatment of sexually abused children, and the fact that international assistance had recently been requested in order to seek ways of improving the situation. With regard to the placement of children and

adolescents, she acknowledged the reasons the delegation had given for the existing problems, and encouraged the Luxembourg Government to address the issues involved through measures that took account of article 3, paragraphs 3 and article 25 of the Convention. Many problems relating to the placement of children in institutions arose from a shortage of adequately trained professionals. She encouraged the Government to introduce full-time professional training in the relevant areas of human rights legislation, particularly the Convention.

71. Turning to education, she inquired about measures designed to cope with a situation in which one third of Luxembourg's children were educated abroad, while 40 per cent of the remaining school population were foreigners. Also, did not the early introduction of a selection examination in the system constitute a form of social selection? Secondly, she would like to hear the delegation's comments on the fact that the lower age limit for compulsory education seemed to be four years - the lowest in the European Union.

72. Mrs. MBOI thanked the delegation for its answers on violence towards children, but said that the Government might do well to re-examine the provisions of article 401 of the Criminal Code, given the fact that under the Convention adolescents were entitled to protection against abuse and ill-treatment in addition to services providing for their care and treatment. As the delegation had rightly pointed out, adolescence was a period when children often came into conflict with their parents, with the attendant risk of violence and ill-treatment.

73. With regard to basic health and welfare, she commended Luxembourg for its system of health care and education for children of primary-school age onwards and their parents. In connection with article 24 of the Convention relating to the child's right to enjoy the highest attainable standard of health, she had been disturbed to learn that although 86 per cent of babies born in 1994 had been breastfed at birth, only 31 per cent were still being breastfed at the age of three months. Moreover, 25 per cent of babies had been weaned before the age of three months in order to enable their mothers to return to work. She was also concerned at the steep rise in the number of one-parent families in recent years. The vast majority of single parents were women, whose financial circumstances had worsened in recent years as compared with those of married women.

74. She would like to know whether measures had been introduced to protect the interests of children whose mothers were breastfeeding and/or working, particularly single mothers. Also, as Luxembourg was a member of WHO which had endorsed an international code on marketing of breast milk substitutes, what measures had been taken to implement the code to the advantage of babies whose mothers needed to work?

75. Mrs. PALME, following up the previous question, said that Luxembourg's legislation on maternity leave appeared to be outdated, as it only allowed four weeks' paid leave. That was clearly not helpful to breastfeeding mothers.

76. Secondly, the delegation's answers had revealed gaps in the overall strategy for dealing with disabled children. Although it was clear that

support systems had been established, she was concerned at an overall situation which could be exemplified by one of the written replies (No. 23), which stated that "The integration of disabled children is not generalized throughout the educational system, but random measures are taken."

77. Finally, she would like to know if knowledge of the Convention was disseminated through the teacher-training curriculum as well as the school curriculum.

78. Mr. DUHR (Luxembourg), replying to the questions which had just been put, said that its multilingual education system reflected the reality of Luxembourg's situation. No serious medical study had been made of the implications, but he did not believe that the situation generated greater stress in Luxembourg than in other countries with equivalent situations. Education was compulsory from the ages of 5 to 15. Parents were strongly encouraged to enrol their children in pre-school at the age of four, and some children even began at three. The vast majority of children, both those born in Luxembourg and elsewhere, attended State school, with small minorities attending private school or schools in Belgium or France. Statistics were kept on the primary school drop-out rate, and there was provision for the supervision of non-attenders.

79. With regard to social selection in the system, every effort was made to ensure that by the age of 11 children became fluent in both French and German, regardless of the mixture of nationalities in the school. Emphasis was placed on children learning at their own pace. Clearly, it was incumbent on immigrant children to learn the language of their new country, but the Government did not emphasize the language of Luxembourg at the expense of French and German. Children from poorer backgrounds had higher failure rates, but that was not a situation exclusive to Luxembourg. Every effort was made not to penalize children with language difficulties and to help them integrate as soon as possible. There was no longer a compulsory examination between primary school and secondary school. The only compulsory examination was the baccalaureate, taken at 18. It was a fact that children were more likely to pass the baccalaureate if their parents had also done so, but that again was not a situation unique to Luxembourg.

80. Mr. MAJERUS (Luxembourg) said that although the number of children placed in institutions or foster families was high, the trend over the previous 15 years was downward. He could not say why, and no studies comparing Luxembourg with other countries had been carried out.

81. Luxembourg's legislation gave children the right to associate in a court action with the Public Prosecutor, who regarded the child as the main initiator of the action. The Government was also making efforts to enable NGOs to represent children's interests in court. With regard to corporal punishment, there was evidence that the activities described in his previous answer had reduced levels considerably. All parents of school-age children were required to state whether they were being educated in Luxembourg or abroad. Requests for family allowances provided the only means of statistically monitoring children who had dropped out of school.

82. A bill under preparation provided for the introduction of nursery schools that would accept children from the age of three, with a view to assisting families in which there was a single parent or both parents worked. As a further consequence, children would be able to gain a grounding in the language of Luxembourg at an early age.

83. A number of features had been built into the system in order to facilitate the education of children who did not speak the common language. Nonetheless, it was regrettably true that non-German-speaking parents, for example, found it very difficult to support children who were required to learn a subject such as mathematics through the medium of that language.

84. Certain NGOs and many communes offered support to the families of children who dropped out, aimed at facilitating their re-entry to school. All minors up to the age of 18 had the right to apply to the juvenile courts, and social workers were obliged to provide them with guidance in court if they considered that the rights of the child were not being observed. Maternity leave was granted for six weeks before birth and six weeks afterwards, with the option of an additional four weeks if the mother was breastfeeding.

85. Labour laws stipulated that working mothers must be provided with facilities for breastfeeding at work, and should be able to return home to breastfeed if they lived nearby. A law had recently been passed which made it possible for either parent to take six months' paid parental leave without detriment to his or her career.

86. Material reflecting the principles of the Convention was already included in major components of the school curriculum, and similar initiatives were being taken with regard to initial and in-service training courses for teachers.

87. Mrs. SARDENBERG asked whether children still sat an examination at the age of 12 designed to select those who would follow the traditional system and those who would enter the so-called "technical" stream, and whether it was true that most immigrant children were selected for the latter.

88. Mrs. MBOI reminded the delegation that she would like an answer to her question regarding action taken on the marketing of breast milk substitutes.

The meeting rose at 6.05 p.m.